

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BEHAYLO,

Plaintiff,

vs.

CALLAWAY GOLF BALL
OPERATIONS, INC.,

Defendant.

CIVIL ACTION NO. 05-30178-KPN

**AFFIDAVIT OF JAY M. PRESSER, ESQ.
IN SUPPORT OF DEFENDANT'S
MOTION TO STRIKE PLAINTIFF'S
DESIGNATION OF EXPERT AND
PRECLUDE PLAINTIFF'S EXPERT
WITNESS, DR. CRAIG MOORE, FROM
TESTIFYING AT TRIAL**

Under the pains and penalties of perjury, I hereby declare:

1. I am a partner with Skoler, Abbott & Presser, P.C.
2. The Defendant received the Plaintiff's Designation of Expert on December 31, 2007;
3. A written report, entitled "Economic Report", was attached to the Plaintiff's Designation of Expert;
4. The Economic Report was not signed by the Plaintiff's witness, Dr. Craig Moore;
5. The Economic Report did not indicate the hours that Dr. Moore worked on the Economic Report;
6. Contrary to the assertions in The Economic Report, there was no attached appendix with a copy of Dr. Moore's curriculum vitae or anything demonstrating the qualifications of the expert;
7. The Economic Report did not contain a list of all publications authored by Dr. Moore in the last ten years;
8. Contrary to the assertions in The Economic Report, there was no attached appendix with a listing of the cases in which Dr. Moore testified as an expert at trial or by deposition during the previous four years.

Signed under the pains and penalties of perjury this 7th day of January 2008.


Jay M. Presser, Esq.

On this 7th day of January, 2008, before me, the undersigned notary public, personally appeared Jay M. Presser, proved to me through satisfactory evidence of identification which is that Mr. Presser is this Notary Public's employer, to be the person whose name is signed on the preceding or attached document in my presence.


Notary Public:

My Commission Expires:

**ANN-MARIE MARCIL
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES ON MARCH 24, 2011**